IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 23817 OF 2007

Dated : November 12, 2007

Between:

Sjarad Chamder

Petitioner

AND

The Project Officer,
ITDA, Utnoor,
Adilabad District and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 23817 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

Seeking a writ of certiorari to call for the records

relating to the order dated 22.10.2007 passed in O.A. No. 3854 of 2007 by the Andhra Pradesh Administrative Tribunal, Hyderabad, and Proc. No.D5/809/2007 dated 20.6.2007 issued by the first respondent and to set aside the same holding that the petitioner is entitled to continue as P.G. Head Master, Ashram High School (Girls), Boath, Adilabad District, with all consequential benefits, the petitioner filed this writ petition.

The petitioner herein filed the above O.A. before the Tribunal assailing the Proc.D5/809/2007 dated 20.06.2007, issued by the first respondent whereby the petitioner was transferred and posted as P.G.H.M., Ashram High School, Anarpally, on administrative grounds.

The facts, in brief, are that the petitioner was appointed as Teacher under the control of Tribal Welfare Department with effect from 17.11.1980. Later he was posted to Ashram High School (Girls), Luxettipet on 9.1.2006. While he was working as such, on 20.12.2006, he was deputed to work as P.M.R.C. Incharge. Again by proceedings dated 13.2.2007 he was deputed to work as Head Master at Ashram High School (Girls), Boath with immediate effect, which the petitioner complied. While working there, on 19.4.2007, he made a detailed report to the first respondent about the indiscipline of the Class IV Employees and teachers. Subsequently, by proceedings

dated 11.6.2007, the petitioner was transferred and posted as P.G. Head Master, Ashram High School (Girls), Boath. The petitioner was again transferred and posted as PGHM, Ashram High School, Anarpally, on administrative grounds by the proceedings dated 20.6.2007, which was impugned in the O.A.

Assailing the said proceedings, the petitioner filed the above O.A. contending that the action of the respondents is contrary to GO Ms. No. 53 Social Welfare dated 28.6.2005 and not in adherence of the transfer schedule Rc. No.A4/4831/07 dated 5.5.2007 issued by the 3rd respondent. It was also contended that the first respondent has no authority whatsoever to shift the post of Head Master of High School from one school to another and it is the Government which is competent to shift the posts from one High School to another High School and, therefore, his shifting thrice within six months, without the approval of Government is illegal.

The Tribunal having heard the learned counsel for the petitioner and the learned Government Pleader, dismissed the O.A. observing that the transfer of the petitioner is purely on administrative grounds. The Tribunal, in dismissing the O.A. relied on a couple of decisions of the Apex Court. Hence, this writ petition, by the petitioner.

It is also a settled law that what is needed to transfer

an employee is the prima facie satisfaction of the Authority concerned. As can be seen from the order impugned, the transfer of the petitioner was effected purely on administrative grounds. Nothing is demonstrated before this court to show that the said transfer was effected as a measure of punishment. In view of these facts, it cannot be said that the transfer of the petitioner is afflicted with mala fides and is liable to be set aside.

Consequently, the Writ Petition fails and is liable to be dismissed and is accordingly dismissed at the stage of admission. No order as to costs.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

November 12, 2007
MAS